

### REMARKS/ARGUMENTS

Claims 42-44 have been canceled. Claims 5-29, 31, 35 and 37-41 and 45-53 are active in the case. Claims 5-8, 11-15, 22-27, 31 and 47-49 stand withdrawn from consideration. Reconsideration is respectfully requested

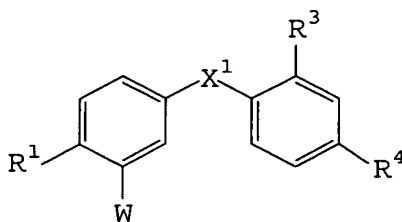
The present invention relates to compounds that inhibit the activity of transcription factor AP-1.

### Claim Amendments

Claims 9, 10, 16-21, 28 and 51-53 have been amended by limiting the value of subscript n which defines the scope of the  $-(CH_2)_n-$  radical of component Z for the group  $-Z-COOR^2$  to 2 or 3. The scope of each of these claims has been narrowed. Entry of the amendments into the record is respectfully requested.

### Invention

The present invention is directed to an agent for the prevention and/or treatment of diseases in which over-expression of AP-1 participates, which suppresses the excessive expression of a wide variety of genes on the basis of AP-1 inhibitory action with lessened side reactions. The molecular agent of the present invention is a benzene derivative represented by the following formula:



wherein  $R^1$ ,  $X^1$ ,  $R^3$ ,  $R^4$  and  $W$  are as defined in the claims.

Prior Art Rejection

Claims 9, 10, 16-21, 28, 29, 35, 37-41, 44-46 and 50-53 stand rejected based on 35 USC 103 as obvious over Agback et al, EP 0 150 166. This ground of rejection is respectfully traversed.

As has been stated, the Agback et al reference discloses benzenoid compounds that have a gross structure somewhat similar to the present compounds in that they feature two benzene rings linked together by an A group. The closest the generically described compound of the reference approaches the presently claimed compound is only when group A of the reference is carbonyl, noting that the free carboxylic acid or alkoxycarbonyl containing group at the meta position between the hydroxyl group and the OH group of the right-side benzene ring is an acetic acid group. It is clear, however, that the present compound, where it is closest to the compound of the reference, when  $X^1$  is carbonyl and when W is  $-Z-COOR^2$ , wherein Z is  $-(CH_2)_n-$ , avoids the compound of the reference (where a methylene group links the carboxylic acid group to the benzene ring) by limiting the value of n to 2 or 3. A question that may arise is whether there is a significant difference in therapeutic activity between the acetic acid type compounds of Agback et al and the compounds of the present invention where  $n = 2$  or  $3$ ? To answer this question, applicants hereby submit a declaration (Rule 132) which contrasts the ability of compound embodiments of the reference with compound embodiments of the present invention in inhibiting the over-expression of AP-1. Compounds (a)-(c) within the scope of the present invention are propionic acid derivatives while compounds (d)-(f) within the scope of the reference are acetic acid compounds. Table 1 of the declaration shows the inhibition rates of the six compounds that were tested. The data show that the acetic acid type compounds of the reference are notably inferior to the propionic acid derivatives of the present invention. The superior results obtained with the present compound examples clearly points to the unobvious distinction of the present invention over the

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compound of the Agback et al reference. Accordingly, the outstanding ground of rejection is believed overcome and withdrawal of the prior art rejection is respectfully requested.

It is believed that the application is in condition for allowance. Early notice to this effect is earnestly solicited.

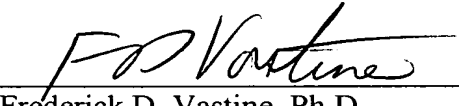
Respectfully submitted,

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